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OCT 29 2024

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTACLERK, U.S. DISTRICT COURT
ST. PAUL, MN

James Anthony Kroger

24-cv-4055 JWB/TNL

Plaintiff,

CIVIL COMPLAINT

v.

Glenn Moule, Ian Diem, the Duluth FBI Agent, and Unknown Named Agents of the FBI

Defendants.

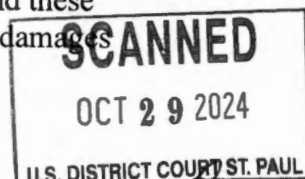
Introduction

Whereas Case 24-CV-3772 (JWB/ECW) is a civil action against the federal government under the Federal Tort Claims Act, with the federal government being the only possible defendant in an action under the Federal Tort Claims Act, this case is different. This case is a civil action against Glenn Moule, Ian Diem, the Duluth FBI Agent, and Unknown Named Agents of the FBI who participated in the search and seizure on February 15, 2023 in Bemidji, Minnesota and rural Cottonwood, Minnesota in criminal case 24-85 (DWF/DLM). This civil action is against those FBI agents individually to subject them individually to monetary damages, including punitive damages which are not available under the Federal Tort Claims Act. This remedy is made possible by Bivens and is what is commonly referred to as a Bivens action.

It may first be helpful to discuss what Bivens is and the current state of the law in Bivens. What is colloquially referred to as Bivens was actually a trilogy of cases which created federal remedies against federal employees, typically officers, for violations of three different Constitutional Amendments. While each of the three cases has its own unique jurisprudence dealing with a different Amendment and analysis thereunder, the trilogy of cases is often simply referred to as Bivens. The instant civil action deals with Bivens proper, Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which deals exclusively with the Fourth Amendment, the subject of this civil action. The law in this area, under this case, has evolved over the years; however, the case which I'll refer to to give us the current state of the law in Bivens comes from a sister circuit in Snowden v. Henning 72 F.4th 237 (7th Cir. 2023). Bivens actions seek to hold individual officers accountable for Constitutional violations. Additionally, whereas no jury trial is available under the Federal Tort Claims Act a jury trial can be demanded by the plaintiff in a Bivens action and I do so demand a jury trial in this case, which I do personally believe to be not only my right, but in the best interests of surfacing the truth.

Just as was discussed in various ways throughout my rough draft academic writings, my Trumpian Republican book in the making, for which I was jailed and am jailed by Democrat U.S. Attorney Andrew Luger and Democrat judges with the FBI apparently being the militant arm of the Democrat Party, I support accountability and law and order in the federal government and with federal employees. Case 24-CV-3772 (JWB/ECW) under the Federal Tort Claims Act for monetary damages and this instant civil action under Bivens for monetary damages will doubtlessly, as all civil litigation does, influence accountability and law and order regarding both the federal government and these individual federal employees as a byproduct of the monetary damages, including punitive damages being sought in the instant case against the individual agents involved in the attacks.

1 of 9



My policy discussion of accountability and law & order in government was discussed and these themes were expressed by me through Trumpian Republican ideological, philosophical, and political beliefs and viewpoints, incorporating a great deal of both historical context and current events and issues, including various illustrative examples still in undeveloped, abstract form. But, my jailing is what happens when a thoroughly corrupt Democrat U.S. Attorney and Democrat judges use rough draft academic writings, a Trumpian Republican book in the making, as a pretext to admittedly silence and punish the academic, professor, and author by jailing him in order to influence, obstruct, and defeat the presidential election in one of the most egregiously illegal and unconstitutional acts in American history, all in an effort to advance their political agenda and motives, even placing those rough draft academic writings, that Trumpian Republican book in the making, under court seal at the request of Democrat U.S. Attorney Andrew Luger in an effort to hide it away from the American people and prevent it from ultimately being published during the election cycle as intended, all of which constitutes unconstitutional First Amendment Retaliation and Fifth Amendment retaliation under Equal Protection at an absolute minimum, in addition to violations of the Civil Rights Act, the Voting Rights Act, and violations of Minnesota's election laws relating to intimidation and interference in the voting process, in this case by Democrat federal officials who misused and abused their offices for corrupt, even criminal, purposes. It is important to bring this up at this juncture because my jailing and the suppression of my rough draft writings by Democrats is actually part of the evidence in this case showing the desperation of the cover-up involved and the desperation to silence and punish me for my Trumpian Republican speech and my Trumpian Republican voice, beliefs, and political viewpoints.

Knowing the above context is important and relevant to the case, even if it is truth that Democrat U.S. Attorney Andrew Luger and the Democrat judges involved in my criminal case don't want to hear. As to the meat and potatoes of the Fourth Amendment remedy in Bivens given to us in *Snowden v. Henning* 72 F.4th 237 (7th Cir. 2023) we find a case that gives us the full rich flavor of Bivens, which I invite you to read as it fully support my position. First, it's important to point out that Bivens is a damages remedy solely concerned with monetary damages and does not seek any type of equitable relief, for example attempting to get the government to do or not do something. Bivens is all about seeking monetary damages for violation of the Fourth Amendment. So, for example, if I get a judgment against Glenn Moule I'm his creditor and I'm collecting on that damages award. That's how the law works. The other case, 24-CV-3772 (JWB/ECW) under the Federal Tort Claims Act, deals with monetary damages against the government. Bivens deals with monetary damages against individuals. We see some important similarities. Bivens sought to recover for humiliation, embarrassment, and mental suffering, which are the exact same allegations that I'm making; however, the heart of the Bivens case and the critical point was unreasonable force, which is exactly what I too allege in my Bivens action. Bivens alleged that there was an unreasonable search and seizure in violation of the Fourth Amendment and the arrest was done unlawfully, unreasonably, and contrary to law, which I do also allege, which is to say that it was done without probable cause. In the Bivens case there was no warrant and in my case there were indeed search and seizure warrants, which I do allege to be without probable cause and that there was likewise an arrest without probable cause or even a warrant for that matter as no arrest warrant was ever issued in my case; however, whether those search and seizure warrants were with or without probable cause is not important to the analysis as the *Snowden* case tells us that even whether there was or was not any warrant at all is not meaningful and does not concern the analysis. The crux of the analysis and what Bivens is really about and how Bivens gets triggered is by unreasonable force. That's at the heart of Bivens and that's also at the heart of the Fourth Amendment.

Now, let's talk a bit about unreasonable force and excessive use of force, which I do so allege. The law in this area is well settled as given to us by the Supreme Court and the test is objective reasonableness under the circumstances. Subjective intent does not matter. Fourth Amendment protection is triggered

by physical force or a show of authority to have restrained the liberty of a citizen. The law in this area is given to us in the case of *Graham v. Connor* 490 U.S. 386 (1989). And, let me pause for a moment to focus in on just one piece of that, "the liberty of a citizen." I shall put forth and prove that "liberty" and being a "citizen" mean absolutely nothing to the FBI or FBI agents, a rogue federal agency with rogue agents. It's time for words such as "liberty" and "citizen" to once again have some real meaning and some real respect, especially from those who at least claim to be in law enforcement and wear a badge that is supposed to mean and represent that they protect "liberty" and the rights of being a "citizen."

Now, let me digress from the Snowden case for a moment in order to address the fact that it is very well settled law, by both the Westfall Act of 1988 and much case law that a Bivens action and an action under the Federal Tort Claims Act are not mutually exclusive and even more than that both actions and claims under both sets of laws can be pursued simultaneously if one so chooses. As we know, the Federal Tort Claims Act is against the government and a Bivens action is against individuals. Bivens is a separate, independent remedy.

Now, in returning to the Snowden case in comparing my case to the Bivens case any difference in facts must be meaningful, so some degree of variation will not preclude a Bivens action. For example, having a warrant or not having a warrant is not meaningful. The event taking place in a home, hotel lobby, or elsewhere is not meaningful. I am presenting a Fourth Amendment case, so there is no new context, for example, I'm not trying to apply Bivens to a First Amendment claim. I am making the exact same allegations as Bivens with a focus upon unreasonable force. In Bivens federal agents were acting under color of federal authority, just as in my case. In Bivens there were 6 federal agents. In my case there were 5-10 federal agents. And, in both Bivens and my case the federal agents were line-level officers. In Bivens there was no warrant and there was a search and arrest. In my case, there were search and seizure warrants, but no arrest warrant. Again, warrant or no warrant is not meaningful as the issue at the heart of Bivens is unreasonable force and these minor variations are not meaningful with the law seemingly settled on that point as the Supreme Court denied certiorari on the Snowden case. And, even if warrants were considered to be meaningful, in my case we had an arrest with no warrant as part of the facts so at the very least that piece of the case would advance. In the Bivens case the event took place in his apartment. In the Snowden case the event took place in a hotel lobby. In my case the event took place in the parking lot in front of my apartment in Bemidji, Minnesota as soon as I pulled up, parked, and stepped out of my truck and then also within my apartment, as well as at my mother's farm house in rural Cottonwood, Minnesota, the Kroger Heritage Farm, where I lived as a tenant renting the house. So, in Bivens we had one rented home and in my case we had two rented homes. Again, that difference is not meaningful. What is identical is that at both locations there was unreasonable force and even grossly excessive force used by the FBI agents involved.

In Bivens the holding was that the plaintiff was entitled to recover money damages for violations of the Fourth Amendment. The question of money damages in my case is somewhat complicated by the fact that I do also have an action pending under the Federal Tort Claims Act; however, one action seeks to hold the government liable and this action seeks to hold individuals liable, so the question of damages is not mutually exclusive as there are different potentially liable defendants in each case. In the instant case, I will be seeking the sum of \$10 Billion in damages against the individuals involved in this matter. It is intended that this monetary award and judgment sought would include punitive damages and well serve the interests of law and justice and the heart of Bivens relating to ensuring that the Fourth Amendment remains enshrined in our Constitution in order to protect the American people from unreasonable searches and seizures and ensure that the rights and liberties of American citizens are both respected and protected, so that we may all live in a county in which the law is respected but liberty and freedom are cherished and preserved as one of the unique blessings of being an American.

3 of 9

Counts of the Civil Complaint

Unlike Case 24-CV-3772 (JWB/ECW) in which I had multiple counts, this case essentially only has one count in that I am making the same aforementioned allegations as did Bivens make, including humiliation, embarrassment, and mental suffering, as well as unreasonable force, which we would call excessive force. The facts supporting this are below and are bifurcated between the two rented homes, the apartment in Bemidji, Minnesota where I was physically located at the time of the event and the house in rural Cottonwood, Minnesota, with nobody home at the time of the event.

Rented Apartment in Bemidji, Minnesota

The facts have, for the most part, already been stated in the complaint for Case 24-CV-3772 (JWB/ECW); however, I will repeat them as necessary to form a basis necessary for a complaint at this juncture and proceed forward.

The event took place on February 15, 2023. I departed from the rented home in rural Cottonwood, Minnesota in the morning traveling to my rented apartment in Bemidji, Minnesota where I was on faculty as an assistant professor at Bemidji State University. I had been drinking Starbucks Venti Iced Chai Tea Lattes the entire trip up and had to urinate urgently. All I could think about was getting to my apartment and running in to use the bathroom. We've all had those road trip moments. I arrived at my apartment in Bemidji, pulled in to the parking lot, parked my truck, got out, and was swarmed by 5-10 FBI agents, fully armed and suited up. Having never before been exposed to anything of that nature in my entire life, with no criminal history, I was shocked and traumatized by the force exhibited and what would unfold when all that would have ever been necessary would have been for a couple of FBI agents in suits to approach me, show me their identification and state their business. These FBI agents acted like they were trying to take down Osama Bin Laden. It was a disgraceful, shocking, and traumatizing display. They clearly all thought they were playing soldier. This is especially true given that I have Crohn's Disease, am handicapped, and have had a Minnesota permanent disability parking tag for about 20 years with the FBI pulling my warrant photo or using as my warrant photo my driver's license photo from the Minnesota DMV, with them easily having either seen or could have learned of my disability parking tag informing them as to my physical condition. They were on notice as to my health and disability and if they claim to not have known it was through their own negligence having clearly communicated with the DMV and having access to that information, at the very least the fact that I was disabled and had a blue hang tag if not the underlying medical certification.

With this in mind, they essentially jumped me, their big thrill of the day. They had search and seizure warrants which I allege were issued without probable cause. They did not have an arrest warrant. As I was being swarmed by the FBI agents in this attack everything was removed from my person, for example, my school bag containing the 10-15 year old laptop I was using, two cell phones, my primary and a cheap back-up phone, as well as other items. They took various items and have them presently in FBI custody, which I will have returned to me in due course with U.S. Attorney Andrew Luger proving that he was a liar well before my indictment was issued with the attorney on the case telling the Federal Defender that all of my electronics would be returned to me after they had been searched and then later telling the Federal Defender they would be returned on an "as needed" basis, so I put that request in which was ignored, and then I was indicted without anything ever being returned to me.

I learned from that the U.S. Attorney Office is filled with liars and I would never listen to them or talk to them about anything. I will simply use legal process to force them to do what needs to be done, including returning everything that they stole. The fact that I am now sitting in jail because of the

rantings of Melinda Williams for Andrew Luger at my Initial Appearance and her prosecutorial misconduct is further evidence that the U.S. Attorney Office can never be trusted, is corrupt, they lie about everything, and the office is filled with people, including U.S. Attorney Andrew Luger who are quite simply unfit for federal service and need to be removed. However, that too is for another day. At trial I will establish the lies of the U.S. Attorney Office and show the jury why they can never be trusted, which is my right.

As the FBI agents swarmed me and before or during the process of items being removed from my person one of the FBI agents asked the Duluth FBI agent who appeared to be in charge if he wanted me to be cuffed. The Duluth FBI agent replied, "No, that's not necessary." This evidences that they used excessive force. They knew that I was not a threat and they did not perceive me as a threat, not even handcuffing me, yet they swarmed me with 5-10 FBI agents, suited up for battle and fully armed. It was an appalling disgrace, shocking, and traumatizing. The Duluth FBI agent asked me what took me so long, knowing that I was traveling up from Cottonwood, Minnesota. I told him the weather. He replied, "that's what we thought." I told the Duluth FBI agent about my medical condition (Crohn's Disease) and that I had to urinate immediately. Instead of letting me proceed in to my apartment to urinate he then forced me to enter an FBI truck against my will. He made it known that I could not urinate unless and until I first signed some paper to waive my Miranda rights. I signed whatever in the hell it was needing to urinate immediately to the point of it being painful and complicating my Crohn's Disease. Even after I signed, he refused to let me exit the FBI truck and started a brutalizing interrogation, screaming at me at times. I didn't even really know what I was saying. At that point I was dazed, confused, shocked, traumatized, and just brutalized. Eventually, after interrogating me for a lengthy period of time and with my bladder about ready to explode he let me exit the FBI truck then telling me "you're a farm boy, you can go in the parking lot." He then made me urinate in the parking lot which was both humiliating and embarrassing. After I finished, he forced me to reenter the truck and stay there against my will and continued his brutal interrogation. This went on for hours. I was forced in to this truck against my will, forced to waive my Miranda Rights, brutalized with hours of interrogation, refused to let me urinate and then finally did so in a humiliating and embarrassing way, and then after hours of this, shocked, traumatized, dazed, and confused I was released. All of this was done with no arrest warrant. I was arrested and taken in to custody in that FBI truck with no arrest warrant. All they had for me personally was a search and seizure warrant, which was fully accomplished after I had exited and was still standing next to my truck, before I was ever even forced to enter the FBI truck. They had already removed the electronics that I had on my person, turned my pockets inside out, everything. The authorization that they had under that search and seizure warrant of my person was accomplished with them removing and seizing property from my person before I ever entered the FBI truck. I will note that after I entered the FBI truck the Duluth FBI agent brought in to the truck my cell phone and other items and forced me to give him passwords and other information to not only unlock those devices, but also to access the security system and manipulate the security system at my mother's farm house that I rented in Cottonwood, Minnesota with FBI agent Glenn Moule on the other end of the phone in Cottonwood, Minnesota receiving this information and using it on my mother's farm house and on electronics that he was seizing from my mother's farm house, for example a cell phone, and a 10-15 year old desktop computer. As such, all of the information that was obtained from me in Bemidji, Minnesota, including the information relayed by the Duluth FBI agent or other FBI agents to the Cottonwood, Minnesota FBI agents was obtained through the use of excessive force and all items seized on February 15, 2023 in Bemidji, Minnesota and Cottonwood, Minnesota were the product of excessive force. This was severely traumatizing to me and although I had absolutely no prior history whatsoever of mental illness or mental issues, I did go to my doctor 1-3 months later due to problems I was having after that attack and failed to pass some basic tests. The doctor was so concerned he personally called my cell phone on Easter weekend, perhaps Easter Sunday, to tell me he

Wanted me to have a CT scan of my brain to rule out any organic problems. The CT scan came back clean so he then referred me to neurology. I saw the neurologists who performed some tests and I was diagnosed with trauma and PTSD as a result of the FBI attack of February 15, 2023. I was prescribed a low dose anti-depressant and also told that I might consider psychotherapy to help with the FBI induced trauma and PTSD. I discussed this with the neurologist and told her that I'd prefer to take an incremental approach to see if the medication solved the problem and that if it did not solve the problem then we'd circle back and revisit the possibility of psychotherapy for the FBI induced trauma and PTSD. The neurologist agreed that was an acceptable and sensible approach. I then took the medication and realized incremental improvement, also being prescribed an additional sleep aid to take as needed. Ultimately, after being on this low dose anti-depressant for 10-12 months or so I stopped taking it as I felt that I no longer needed it, that the trauma and PTSD symptoms were beginning to subside or had stopped. I discontinued the medication and did not need to take it further. The only mistake that I made was in stopping it 'cold turkey' and not tapering off, but otherwise I was able to progress without any further medication for mental or emotional needs. Since being in jail April 5, 2024 I have not taken any medication whatsoever for mental or emotional needs, only taking Vitamin B12 injections, Humira injections, Vitamin D, and Folic Acid, as well as an as needed stomach pill all for Crohn's Disease. Although there was initially those mental health medications on my medical cart I had them removed and did not take a single pill although I noticed pills had been popped out of the cardboard tray I was told that sometimes they just pop them out by accident or pop them out and then throw them away, so I never took any of those pills and have been in perfect mental health. What happened to me and what was done to me by the FBI fits perfectly within Bivens' allegations, now my allegations, of humiliation, embarrassment, and mental suffering as the result of unreasonable force/excessive force. It was a long road to recovery from the FBI attack of February 15, 2023 and it will still take years to deal with the physical damage, to be discussed, caused by the FBI, but the mental health aspect of FBI induced trauma and PTSD is now resolved.

In another legal document, perhaps my complaint in case 24-CV-3772 (JWB-ECW) or my petition for writ of habeas corpus seeking immediate release from my illegal and unconstitutional jailing and other relief, I stated that eventually the FBI and Justice Department may wise up and realize that the common denominator in the chaos in my life, the chaos within the FBI, and the chaos within the Justice Department is Nathan Dale Dornbrook, the play victim. In Bivens we know that the test for excessive force is objective reasonableness and that subjective intent of any kind does not need to be proven or shown; however, proving or showing a subjective intent of retaliation, malice, or malevolence by the FBI would tend to buttress my argument and case. I had filed bar complaints against Dornbrook's two trash Chicago lawyers David J. Stein and John B. Stanis with the Illinois Bar. They eventually responded to my bar complaint through the Bar. In that response they threw in my face, actually informing me for the first time, that I was under FBI investigation, most likely to try to make themselves look better in the eyes of the Bar and forestall action against their bar licenses. I then responded with my surrebuttal that I could care less if I was under FBI investigation because I'd done nothing wrong and I may have made one or two other derogatory or flippant remarks about the FBI in my response, which went to the Illinois Bar and would have then been given to Dornbrook's trash Chicago lawyers. We know that Dornbrook first contacted the FBI about 6 months after I filed FBI and IRS whistleblower reports on him and before I filed bankruptcy. We also know that Dornbrook's lawyers were orchestrating everything with the bankruptcy trustees and the FBI, playing them like a violin. They actually let themselves be tuned in to puppets which is rather astonishing, with the attorney for the U.S. Trustee Colin Kreuziger evidencing corruption and misconduct by stating in his request for an extension that he believed based on mysterious information never disclosed that I was or had been Dornbrook's lawyer. Colin Kreuziger clearly outed himself as being in bed with Dornbrook although that was even evident with the behavior of Michael S. Dietz in the first meeting of creditors.

Dornbrook's purpose in trying to say that I was his lawyer is both to attempt to establish an attorney-client relationship with me to silence me and protect his mountain of dirty laundry and also to attempt to establish such a relationship in order to obstruct or frustrate any FBI or IRS investigation or prosecution against him in order to attempt to use attorney-client privilege in an effort to prevent me from testifying as to what I know about him. It's a scheme, a scam, a Dornbrook classic.

My bankruptcy case was thoroughly corrupt and tainted from the very beginning with both trustees engaged in illegal activity, corruption, and misconduct necessitating that my bankruptcy case eventually be opened with new trustees as I will have the discharge that I'm legally entitled to. However, I digress. This goes to the activity taking place before the FBI attack of February 15, 2023 ever took place and this Bivens action is purely concerned with what happened on that date, with the rest going to things like motive, intent, and probable cause for the attack of February 15, 2023. After I emailed my response to the Illinois Bar it was within 10-14 days that the FBI attacked on February 15, 2023. That is what launched them. That goes to motive, intent, probable cause, and there being false or fraudulent information in the warrants, as well as the rogue behavior and obsession and retaliation of FBI Agent Glenn Moule in charge of the case. The FBI attacked and it was indeed an attack with excessive force being the order of the day. It was pure retaliation with the FBI agents filled with anger in hatred against a professor who had no clue what was going on and was in a state of total shock and severely traumatized by the events that rapidly unfolded that day. The acts of Glenn Moule and the Duluth FBI Agent exhibited hostility, retaliation, and malice. Glenn Moule has exhibited on repeated occasions an obsessive and abusive personality and that he lies. This could very well factor in to the calculus of Glenn Moule's behavior and conduct and why warrants were ever even sought and why the FBI attack of February 15, 2023 ever even happened, which goes to probable cause on the warrants. If there is no probable cause in the warrants, if issued with false or fraudulent information supplied by Glenn Moule, then the competency of the warrants and the issuing magistrate, Elizabeth Cowan-Wright, is not at issue and Magistrate Cowan-Wright would tend to be exonerated and can perhaps look forward to the Court of Federal Claims or more well suited position for her specialized intellectual property background and experience.

As such, all FBI agents involved in the attack of February 15, 2023 in Bemidji, Minnesota or Cottonwood, Minnesota who are defendants on this Bivens complaint, especially including Glenn Moule and the Duluth FBI agent, are put on notice to retain any and all records relating to written or oral communications that took place between any FBI employee and Nathan Dale Dornbrook, David J. Stein, John B. Stanis, the Illinois Bar, and the South Dakota Bar, to include all telephone records, texts, emails, and notes memoranda, or other written or electronically stored work product relating to such communications. Everything that happened up to February 15, 2023 is of critical importance relating to this Bivens action with Glenn Moule's hatred and obsession even visible in his face on the Kroger Heritage Farm security footage with him even laughing, joking, and flirting as he busted in to the house to destroy it, all of which is very well documented in my criminal complaint/report against the FBI and Justice Department filed with the Lyon County Sheriff in Marshall, Minnesota on April 25, 2023 and after taking considerable time to type it. This criminal complaint/report is included in the Appendix to The Kroger Report, which likewise provides further information.

Notably, and although it is not part of this Bivens action, which is solely concerned with the events of February 15, 2023, it is after making that criminal complaint against the FBI that I came under extreme retaliation including both a fighter jet attack and helicopter attack seeking to assassinate me by causing me to lose control of my vehicle on both occasions or at the very least intimidate me. However, all of that is properly alleged in Case 24-CV-3772 (JWB-ECW) against the federal government under the Federal Tort Claims Act. Note also that as Snowden and other case law make clear, Bivens and Federal

Tort Claims Act claims can and often do arise from the same event.

Rented House in rural Cottonwood, Minnesota

The attack on my mother's farm house also took place on February 15, 2023 simultaneously with the attack on my person in Bemidji, Minnesota. This is included for the purposes of providing further evidence of unreasonable force/excessive force. Great detail relating to the damage caused to this house by the FBI during the attack is well documented in my criminal complaint/report of April 25, 2023 to the Lyon County Sheriff, as included in the Appendix to The Kroger Report and herein incorporated by reference.

As was apparently the case, the Duluth FBI agent was in charge at the Bemidji, Minnesota location; however, Glenn Moule was in charge at the Cottonwood, Minnesota location and is in charge of the overall case. I will also note that all damage could have totally been avoided as the FBI had already obtained the key to my Bemidji apartment and could have entered at any time they wanted. There was no need whatsoever for me to be there. However, they had no keys to the farm house and caused massive damage that could have been avoided if they had simply waited and served the warrants while I was at the farm. They knew my schedule and location and travel. They had people watching my classroom and going on campus at Bemidji State University. And, as the Duluth FBI agent said upon my arrival in Bemidji, "what took you so long?" They knew I was traveling from the farm. They waited and arranged it this way in order to inflict maximum damage on the house in pure retaliation.

They smashed through the storm door and stained glass door entering the back porch, then smashed what is likely a 100 year old kitchen door. They destroyed the door frames. Walls will need to be cut, doors re-framed, new finishes that will need to be torn off to re-frame the doors put back on the walls, new doors. Notably, they lied to State Farm Insurance saying both that they never went through or destroyed the kitchen door with this being an old house where you walk in to the kitchen, and are in fact still standing in the back porch, because if they didn't go through that kitchen door then they're not in the house. That was a false entry to the FBI report. Later, somewhere in that same FBI report it states that they entered the house, went no more than 10 feet beyond the threshold of the smashed kitchen door which they claimed to have never smashed or even went through and then left the house. However, they are recorded on video footage in the far Southwest corner of the basement disabling the video camera above the water softener and the entire house was torn apart. They even walked or jumped on the bed. The door leading to the upstairs is ripped apart with so much force applied to this perfectly fitted plum door that they caused the ceiling to separate from the wall and punched a hole through another wall. Other damage included ripped off doors, damaged furnishing, damaged cabinetry, damage to the foundation of the house, which they appear to have drilled through with these being an over 100 year old stone and mortar foundation that I don't even know if it can be repaired, and there is damage to the electrical system of the house and electrical fixtures with some walls likely needing to be torn out to deal with the electrical damage. And, for what? They walked away with an old cell phone that they took from a dresser drawer and a 10-15 year old desktop computer. The damage that they caused to that house is severe, the worst in the history of the entire property, and it is appalling and obscene. Everything that the FBI stole, including my mom's two vehicles, is valued at less than it will cost to repair that house, if some of it even can be repaired. They destroyed a historic Minnesota farm site that started out many years ago in the late 1800s as a country school. That's the short version of the facts. State Farm Insurance lists it as "Vandalism and Malicious Mischief" caused by the FBI. Now, think about that. You totally rip apart and destroy a house and walk out with a cell phone and a 10-15 year old desktop computer, with all of that damage easily avoidable if you had planned your raid correctly. The FBI wanted to cause that damage, caused by excessive force.

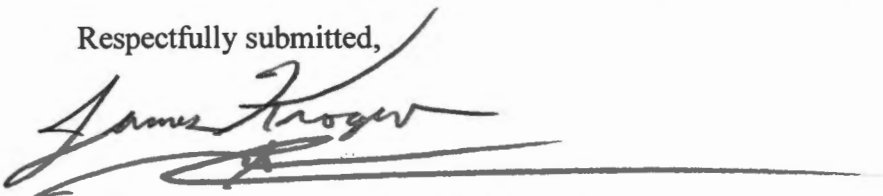
While no recovery for property damage is being sought in this Bivens action, a description of the property damage is included in this Bivens action in order to show the pattern of unreasonable force/excessive force at both the Bemidji and Cottonwood locations as well as evidence of malice and malicious intent. It is abundantly clear that Glenn Moule used unreasonable/excessive force. The actions of Glenn Moule, the Duluth FBI agent, and the other FBI agents involved at both the Bemidji, Minnesota location and Cottonwood, Minnesota location are indeed reprehensible. I was caused physical harm relating to my Crohn's Disease and not being able to urinate, causing gastrointestinal pain, inflammation, and suffering which did eventually resolve, not to mention the mental and emotional trauma and PTSD as described. After the attack I left work at Bemidji State University never again setting foot in to the classroom as I recall or far more limited due to the trauma and PTSD and did my best to teach online from home. All of the FBI agents involved disregarded my health and safety by not taking in to account my medical condition and permanent disability, as was made clear by the Duluth FBI Agent in Bemidji. All of the FBI agents involved, knowing that I was in bankruptcy, targeted a financially vulnerable victim. And, the agents involved engaged in repeated transgressions, two simultaneous attacks in both Bemidji and Cottonwood. The actions of the Duluth FBI Agent in Bemidji in arresting me without a warrant, detaining me for hours in an FBI truck and brutally interrogating me, not letting me urinate, forcing me to waive my Miranda Rights against my will, etc., was unnecessary and deliberate and so too was Glenn Moule's destruction of the farm house through unreasonable/excessive force unnecessary and deliberate. In both cases, at both locations, the FBI agents involved acted with malice and my previous discussion of events leading up to the attack of February 15, 2023 is further evidence of that malice, that malicious intent. On February 15, 2023 there was an attack, a vendetta by the FBI. On that date, crime wore a badge.

Conclusion

What I have herein presented in this Bivens action rightly and justly seeking monetary damages is what is called truth, plain and simple truth. I would guess that if President Trump is re-elected, with his dedication to truth, that we will see the investigation of employees of the FBI and U.S. Attorney Office with criminal activity revealed and surfaced and appropriate prosecutions of FBI and Justice Department employees who have engaged in misconduct and criminal activity, all in an effort to restore accountability and law & order to government. As I discussed in my rough draft academic writings, my Trumpian Republican book in the making for which I'm presently jailed, I do indeed support accountability and law & order in government and with government employees. Without that we do not have a Republic, we have a Banana Republic, and if we have a Banana Republic then democracy doesn't much matter one way or the other because democracy and the voting franchise are rendered meaningless. Is there a Democrat who would stand strong against Democrat corruption, abuse, and criminal activity? I doubt it, but I sure would be pleasantly surprised if there were. Until then, or until President Trump is re-elected, those of us who have been victimized and harmed must rely exclusively upon civil process and in this case a Bivens action for monetary damages, including punitive damages, for harms caused to me by federal agents to which I'm lawfully and justly entitled to redress.

I do hereby solemnly swear that this is true and correct to the best of my knowledge and belief.

Respectfully submitted,



James Anthony Kroger, LL.M., J.D., M.B.A.

Dated: October 15, 2024 9 of 9